

## RIC 2001 Panel Summary

Panel	Session Title/ Chair Name/Session Coordinator and/or Org Responsible for Followup	Followup/IOU/Credits for Existing Plans/Scheduled Meetings
T1 & 2	Opening/Meserve Peralta/DLPM  1000+	<p>An attendee raised the question as to how many nuclear plants are on stand-by but not licensed?</p> <p>Response: The only active CPs today are Watts Barr Unit 2 and Bellefonte. TVA agrees that these CPs are still considered active.</p> <p>A number of CPs were canceled during construction in the 1970s and 1980s. With the exception of Perry, Unit 2, all construction permits have expired and the construction permits are considered to be non-valid.</p> <p><b>This item is complete.</b></p>
T4	Region I, Breakout H Miller J Schoppy  250	No follow-up issues
T5	Region II, Breakout L Reyes V McCree  120	No follow-up issues
T6	Region III, Breakout J Dyer  100	No follow-up issues
T7	Region IV, Breakout E Merschoff K Brockman	<p>1. Threshold under new Program for Documenting Cross Cutting Issues and/or minor violations. Can we aggregate cross cutting issues? What controls met minor violations - enforcement manual or MC O610? See SECY-01-0114 for feedback on Reactor Oversight Process Implementation.</p> <p><b>This item is complete.</b></p> <p>2. Follow-up: Continue to work with Industry re: openness of TIA process and the incorporation of utility insights/facts early on.</p> <p><b>This item is complete.</b></p>

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W1	Regulatory Trends S Collins J Peralta	No follow-up issues
W2	Reactor Oversight Process B Boger S Sanders  150	No follow-up issues
W3	Risk Informed Activities R Barrett M Caruso S Magruder  185	No follow-up issues

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W4	Safeguards Rulemaking F Gillespie	<p>1. Will the new Safeguards rule address fuel transportation and will this affect cask licensing?</p> <p><u>Answer:</u></p> <p>The requirements for physical protection of fuel transportation are in 10 CFR Sections 73.25 through 73.37. These requirements are not addressed in the proposed rulemaking for 10 CFR 73.55.</p> <p>In the proposed rulemaking effort, the staff is revising the 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage." The proposed rule is based on protection against core damage and/or spent fuel sabotage, setting standards for the protection of spent fuel in pools commensurate with exposure limits described in 10 CFR 72.106 while establishing requirements for protection of spent fuel in dry casks at nuclear power reactors by reference to 10 CFR 73.51. This will not directly affect the licensing of casks. On June 14, 2001, the Commission released SECY-01-0101, "Proposed Rule Changes to 10 CFR 73.55: Requirements for Physical Protection of Licensed Activities at Nuclear Power Reactors Against Radiological Sabotage; 10 CFR Part 72: Licensing Requirements for Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste; and 10 CFR 50.54(p): Conditions of Licenses," which described the staff's recommendation on this issue.</p> <p>However, the staff, in a separate activity, is considering the effectiveness in future years of current spent fuel transportation safeguards requirements. It is too soon to provide any information on those considerations since a Rulemaking Plan has not been developed.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>2. Will the new Safeguards rule address fuel transportation and will this affect cask licensing?</p> <p><u>Answer:</u></p> <p>The requirements for physical protection of fuel transportation are in 10 CFR Sections 73.25 through 73.37. These requirements are not addressed in the proposed rulemaking for 10 CFR 73.55.</p> <p>In the proposed rulemaking effort, the staff is revising the 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage." The proposed rule is based on protection against core damage and/or spent fuel sabotage, setting standards for the protection of spent fuel in pools commensurate with exposure limits described in 10 CFR 72.106 while establishing requirements for protection of spent fuel in dry casks at nuclear power reactors by reference to 10 CFR 73.51. This will not directly affect the licensing of casks. On June 14, 2001, the Commission released SECY-01-0101, "Proposed Rule Changes to 10 CFR 73.55: Requirements for Physical Protection of Licensed Activities at Nuclear Power Reactors Against Radiological Sabotage; 10 CFR Part 72: Licensing Requirements for Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste; and 10 CFR 50.54(p): Conditions of Licenses," which described the staff's recommendation on this issue.</p> <p>However, the staff, in a separate activity, is considering the effectiveness in future years of current spent fuel transportation safeguards requirements. It is too soon to provide any information on those considerations since a Rulemaking Plan has not been developed.</p> <p><b>This item is complete.</b></p>
		<p>3. How can OSRE-Attachment 3 Inspections be improved?</p> <p><u>Answer:</u></p> <p>A revision to baseline inspection procedure 71130.03, referred to as Attachment 3, is currently being finalized by the NRC staff. The revision consolidates minimum inspection activities focused on the infrastructure of licensee's contingency response programs (e.g., alarm system capabilities, weapons proficiency, etc.). Used in conjunction with a second procedure regarding force-on-force exercises, which is currently being revised, Attachment 3 is expected to retain the same minimum inspection requirements while improving the flexibility of the regions to schedule activities using their limited resources most effectively and efficiently.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>4. What lessons have been learned or new direction provided relative to allowing OSRE teams to use multiple attempts and the intelligence from these attempts to try to defeat a target? Is this allowed now?</p> <p><u>Answer:</u></p> <p>Clarification of the rules of engagement for Operational Safeguards Response Evaluations (OSREs) were provided in a November 17, 2000, memo from Glenn Tracy to the NRC regional office. The OSREs include four separate scenarios to allow multiple attempts at an alarm zone. In addition, perimeter inspections are conducted pursuant to Inspection Procedure 71130.03, which allow multiple attempts within a given zone. This practice is consistent with tests of the intrusion detection system and are considered acceptable practice.</p> <p><b>This item is complete.</b></p> <hr/> <p>5. You spoke of the “unpredictability” of OSRE exercises in the past as if this were unfair to licensees - but isn't it also the case that the nature of the terrorist threat is to a large extent unpredictable? How will licenses develop and maintain a capability for quick thinking and response to the unexpected if the exercises become too predictable?</p> <p><u>Answer:</u></p> <p>Predictability in running force-on-force exercises usually refers to: (a) prior knowledge of the mock adversary's attack strategy, (b) announced versus unannounced drills, or (c) prior knowledge of the adversary characteristics versus no knowledge. In the first case, during OSRE exercises, the response force is not provided specific information regarding the mock adversary's attack strategy. In the following two cases, the OSREs have been predictable and fair to licensees throughout its history, including announced drills and a fixed set of adversary characteristics based upon recent events and interagency research on the nature of the terrorist threat. This fixed set has recently been formalized as the OSRE Adversary Characteristics. Additionally, new guidance has been issued in the OSRE Rules of Engagement (November 17, 2000), which is being integrated directly into the baseline inspection program. This new guidance is expected to further enhance consistency, clarity, and understanding of the process. Equipped with the description of adversary characteristics and associated guidance, licensees are to continue to identify their emergent needs in this area, incorporate changes as necessary, and continue to maintain a rapid and effective response capability.</p> <p><b>This item is complete.</b></p>

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W4 cond't	Safeguards Rulemaking F Gillespie - cont'd	<p>6. How do you resolve the need to ID an insider who behaves in a questionable manner with recent NRC OI Agents who target utility managers who attempt to refer such persons to an "EAP" due to aberrant behavior? This is a particularly difficult issue because, in most cases, the employee will claim harassment to NRC.</p> <p><u>Answer:</u></p> <p>Behavioral issues can have various origins, whether they are related to drug or alcohol abuse or symptomatic of some psychological or emotional stress. However, the primary purpose of both the fitness-for-duty (FFD) program and the behavioral observation component of the access authorization program is to identify individuals whose behavior might pose a risk to public health and safety. Furthermore, the fitness-for-duty program has additional goals, i.e., providing assistance to individuals with drug or alcohol problems.</p> <p>The NRC's Office of Investigations (OI) has a responsibility to investigate allegations of wrongdoing by licensees when the allegations affect public health and safety matters. These investigations may include questionable behavioral reported to the NRC by licensee management. However, licensee managers who file false allegations of questionable behavior to harass the employee would be in violation of 10 CFR 50.7, which could also be investigated by OI and the manager may be subject to civil action. Additionally, employees who believe they have been victims of such harassment can file complaints with the Department of Labor, seeking redress.</p> <p><b>This item is complete.</b></p>
		<p>7. What is the current NRC practice for safeguarding ISFI? Are exercises being conducted? If not, why not?</p> <p><u>Answer:</u></p> <p>Physical protection requirements for safeguarding independent spent fuel storage installations (ISFSIs) are specified in Subpart H of 10 CFR Part 72 for ISFSIs licensed as specific Part 72 licensees and in 10 CFR 72.212 for ISFSIs licensed under the general license provision of Part 72 under Subpart K. These requirements have the objective of providing timely communication to the local law enforcement authority (LLEA), or other designated response force, to prevent protracted loss of control of the facility. The NRC is not authorized to require the LLEAs to conduct exercises.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>8. Not to beat a dead horse, but, it appears that defining responsibilities associated with “enemies of the state” would require NRC to get “buy-in” from other federal/state agencies. What is being done to coordinate defining responsibilities?</p> <p><u>Answer:</u></p> <p>The definition of “enemies of the state” and, therefore, the wording of 10 CFR 50.13 determines the characteristics that would be attributed to the adversaries in the NRC’s design basis threat of radiological sabotage and the details of the Adversary Characteristics Document. Specifically, the weapons and tactics postulated in an adversary’s attack are not assumed to be at a level available only to sovereign governments. These characteristics are selected based on input from the intelligence community and are required to be approved by the Commission. The term “enemies of the state,” as it is used in the NRC’s regulations, is not a list of organizations determined to be enemies of the United States; therefore, coordination with other Federal agencies is not warranted. However, the NRC has regular contacts with other members of the intelligence community to gather information pertinent to its decisions concerning the design basis threat and adversary characteristics.</p> <p><b>This item is complete.</b></p>
		<p>9. Sam Collins said yesterday that the Commission is reviewing the “enemy of the state issue.” The adversarial characteristics have already been issued. The industry is busy making modifications to address the new adversaries. This appears to be a backfit. Has the backfit rule been reviewed in this case?</p> <p><u>Answer:</u></p> <p>The Commission requested that the Office of the General Counsel review the legal basis for 10 CFR 50.13 and forward its analysis to the Commission. This has been done and the Commission is considering the results of the review.</p> <p>The staff issued a document called OSRE Adversary Characteristics on August 29, 2000 to describe the adversary characteristics including weapons and tactics commonly used in OSREs in the past and to set limits on what the mock adversary force may use in future OSREs. The staff has developed a methodology for the development and maintenance of an Adversary Characteristics Document (ACD), consistent with input from the intelligence community and has forwarded its recommendation to the Commission. The process recommended to the Commission includes a review for backfit considerations.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>10. How do you view the government's obligation to defend against "enemies of the state" versus the plant's obligation to defend against radiological sabotage (i.e., where do you draw the line on responsibilities)? What is the latest news on allowing "use of deadly force" by plant security forces?</p> <p><u>Answer:</u></p> <p>With respect to "enemies of the state," power reactor facilities are not required to be designed to protect against enemies of the state. Nevertheless, licensees are expected to implement contingency plans to protect against actual adversarial attack regardless of the affiliation of the adversary, based on the NRC's design basis threat and the implementing regulations. With respect to the use of deadly force, the licensees' security organizations are expected to comply with state laws concerning the use of force. Therefore, the NRC cannot mandate the use of deadly force, since the states vary in their application of it. However, 10 CFR 73.55(h)(4)(iii)(A) requires responding guards to interpose themselves between vital areas and any adversary attempting entry for the purpose of radiological sabotage. If the responding guard becomes a target in the attack, s/he is authorized to return fire to protect himself/herself consistent with state law.</p> <p>The NRC has notified Congress of its desire to have legislation passed authorizing the use of deadly force for licensees' security organizations which, if this legislation is passed, would provide armed responders protection against prosecution in state courts for use of force in protecting NRC-licensed activities.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>11. Will the proposed rule address threats via helicopters, hand held rocket launchers, etc. that are readily available? What are the bases for the threat chosen? Is it realistic?</p> <p><u>Answer:</u></p> <p>The NRC staff developed and documented a process to enhance the clarity, predictability, and consistency of NRC's identification and application of adversary characteristics in accordance with the design basis threat presented in § 73.1 (discussed in the answer to question 9, above). The basis for the identification of adversary characteristics is the methodology used by the staff routinely to review, evaluate, and assess a wide variety of adversary characteristics. The staff reviews threat intelligence reports against several levels of criteria and, if needed, interacts at the working-level with other Federal agencies to determine if a particular characteristic falls within the design basis threat. Importantly, an adversary characteristic must have been demonstrated or be in the possession of a potential adversary before it can be further considered for inclusion in a formal list of adversary characteristics. Even so, a particular characteristic may be excluded from consideration by the NRC, based on other pertinent criteria. A list of adversary characteristics formally adopted by the NRC would be considered sensitive unclassified Safeguards Information, and it would be protected from public disclosure. Therefore, a determination of whether helicopters and rocket launchers would be addressed in the proposed rule cannot be discussed in a public forum.</p> <p><b>This item is complete.</b></p>
		<p>12. Were opening remarks directed to operating reactors or also concerned decommissioning plants and ISFSs?</p> <p><u>Answer:</u></p> <p>The opening remarks in the safeguards session were general and applied to operating reactors, decommissioning plants, and ISFSs, depending on who was speaking at the time.</p> <p><b>This item is complete.</b></p>

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		<p>14. The Commission has requested stakeholder involvement in reviewing security issues, yet most of the process is cloaked under "predecisional." Wouldn't the Commission benefit from having stakeholder input before providing their direction to the staff? As it stands now, staff positions are released after Commission review and we are told "sorry - we have our marching orders."</p> <p><u>Answer:</u></p> <p>Prior to drafting the proposed revision to 10 CFR 73.55, there was significant stakeholder involvement including numerous public meetings and written correspondence on the subject. Members of the nuclear power industry, representatives of the Nuclear Energy Institute, and several other groups such as the Nuclear Control Institute and the Union of Concerned Scientists have regularly participated in the public meetings and shared other thoughts via letters.</p> <p>Following a 12-month period of frequent contacts and receipt of external stakeholder views, the staff embarked on the rule-writing process. The staff followed the administrative guidelines, including the Administrative Procedure Act and the Federal Advisory Committee Act to ensure that the staff could develop its recommendations without being unfairly influenced by external stakeholders. Once the stakeholder input was received, the staff did not engage in public discussions on the rule-writing itself. On June 14, 2001, pursuant to the Commission's direction, the proposed rulemaking was made available to the public.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>16. Why is “clarifying the objectives” of the safeguards program necessary at this stage. Don’t they already know what’s needed to protect reactors sites and ISFSIs?</p> <p><u>Answer:</u></p> <p>The current physical security regulations have been in place for over 20 years without significant modification. The proposed 10 CFR 73.55 rule revises security requirements by providing risk insights and a performance basis for security protection guidelines.</p> <p>In addition, it addresses questions raised by stakeholders. To establish a firm basis for the re-evaluation of 10 CFR 73.55, the staff clarified the objectives of physical protection of licensed activities. This effort resulted in discarding some bases for the rule (e.g., 10 CFR Part 100 exposure limits, emergency action levels, and critical safety functions) while supporting another basis for the rule (i.e., core damage and spent fuel sabotage). The staff believes that this was a necessary step in resolving some fundamental issues surrounding safeguards programs and settled some long-standing issues concerning the foundation for the rule itself.</p> <p><b>This item is complete.</b></p>
		<p>17. Do you foresee a relaxation in the state of alert that plants are currently required to maintain? This requirement is more stringent than demanded of military units under non-threatening conditions.</p> <p><u>Answer:</u></p> <p>The staff is not proposing any relaxation in the state of alert that nuclear power plants are currently required to maintain. In fact, in publishing Information Notice 98-35 on September 4, 1998, which proposed three distinct security levels depending on information relating to types of current threats, the NRC made it clear that the level of security specified in the regulations is appropriate for routine operations, but would be subject to increases in readiness if information was developed to indicate the possibility of an imminent threat.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>18. The level of security readiness at our nuclear plant significantly exceeds that on my nuclear submarine which carried nuclear weapons and our guards say our security readiness exceeds that at U.S. military missile sites and bases. Are you concerned about the potential for degraded security performance due to complacency from maintaining a high level of readiness over periods of years?</p> <p><u>Answer:</u></p> <p>Refer to the answer to question 17, above. The NRC is always concerned about the issue of complacency. The current baseline inspection program accommodates the minimum inspection requirements to ensure that the regulations are being met. Furthermore, in the proposed revision to 10 CFR 73.55, the staff has proposed more frequent drills and exercises to challenge the response force and the response strategy, which may also address any complacency issues.</p> <p><b>This item is complete.</b></p> <p>19. Why do we believe that the responsibility to engage foreign or domestic terrorists rests with private firms whose business is to generate electricity? Why isn't this a DOD responsibility or a local law enforcement task?</p> <p><u>Answer:</u></p> <p>Congress, in enacting the Energy Reorganization Act of 1974 (Public Law 93-438), included a provision assigning to the NRC the authority to "safeguard" licensed nuclear facilities and materials "against threats, thefts, and sabotage." This legislation requires NRC to provide a report to Congress assessing the need for, and the feasibility of, establishing a security agency within NRC to perform the safeguards functions. The report, NUREG-0015, "Security Agency Study," August 1976, concluded that there were greater advantages to having licensees be responsible for physical protection of their facilities than the alternative of placing Federal guard forces on their sites. For example, the report noted that a licensee's own guard force would be more compatible with normal operations of a plant than a Federal guard force that was not required to report to plant management. Regarding DOD, the report states, "The Posse Comitatus Act prohibits the use of the Armed Forces for civil law enforcement."</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>20. I disagree with the premise of Mr. Weber that the effectiveness of nuclear plant security is demonstrated by a 20-year record of no terrorist attacks. One could use the same argument to claim that these security measures have been equally successful in preventing attacks by herds of crazed elephants.</p> <p><u>Answer:</u></p> <p>The commenter misunderstood the statement by Mr. Weber that licensee security programs have been effective in safeguarding reactor facilities since the 1970s. However, past performance is not a predictor of future performance. As a regulatory agency, NRC intends to continue to ensure that effectiveness of security programs.</p> <p>There is ample evidence that terrorists generally, with some exceptions, have tended to prefer soft or unprepared targets for their attacks. There is also evidence that terrorist groups have considered or threatened attacks on utilities, power lines and nuclear power plants.</p> <p><b>This item is complete.</b></p>
		<p>21. These security requirements need to be practical, reasonable, and appropriate and be based on who is truly responsible for ensuring the National security. We need to be on guard against zealots who may have other agenda. For these reasons, we need clear rules.</p> <p><u>Answer:</u></p> <p>The NRC has drafted a proposed rule to replace the current 10 CFR 73.55, with the goal of providing risk insights and a performance basis for security protection guidelines better suited to the overall goal of protection of nuclear power reactor facilities. The proposed rule is currently under Commission deliberation.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>22. Earlier you referred to the sensitivity of safeguards info. Clearly completed or actual terrorists attacks resulting in “public” damage would be public record. How may attacks on hardened, non-military targets without a state of war existing, have been carried out in the last decade? If there were any, how many involved assault forces, i.e., attempting to penetrate the hardened, non-military target?</p> <p><u>Answer:</u></p> <p>NRC routinely examines information regarding specific attacks against screening criteria at the time they occur, and in certain cases selected information regarding an attack may be maintained on file. The NRC threat assessment program includes an ongoing review of available intelligence information regarding the domestic and foreign threat environments, including various types of incidents. These incidents include armed assaults by terrorists and criminal groups, in addition to insider crimes and other criminal activity. In addition to target type and frequency of attacks, the NRC staff also examines details like weaponry, tactics, motivations, equipment, and methods of operation. Therefore, target type and frequency of attack are included in a larger set of criteria used by the staff in evaluating threat-related data, and by themselves probably would not be sufficient justification for inclusion in NRC safeguards requirements or guidance regarding adversary characteristics. Finally, the Department of State and the Federal Bureau of Investigations publish annual unclassified compilations of terrorist attacks against United States citizens and interests which are publically available.</p> <p><b>This item is complete.</b></p>
		<p>23. Mr. Lyman referred to “spectacular failures” that would “lead inexorably to core damage.” Were they “spectacular,” were they failures or tactical events, would they have lead inexorably to core damage? Would public health have been affected?</p> <p><u>Answer:</u></p> <p>There is not enough information provided in the question to answer it.</p> <p><b>This item is complete.</b></p>

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		<p>25. OSRE at nuclear power plants for first several years was a “learning experience.” It was only after program was canceled/reinstated that “pass/fail” and enforcement became issues. Why was this departure from the NMSS approach at fuel facilities made?</p> <p><u>Answer:</u></p> <p>The question confuses NRC’s earlier Regulatory Effectiveness Review (RER) program with the OSRE program. The purpose of the RER program was to determine the effectiveness of the physical protection regulations, as implemented by licensees, with the objective of changing regulations that were found ineffective. Although the RER teams did not issue notices of violations, they did refer their reports to regional inspectors who could issue inspection findings, as appropriate, if the weaknesses found during a follow-up inspection violated NRC regulations. The NMSS approach to considering force-on-force exercises as training was instituted when the requirements for these exercises were promulgated in the late 1980s. In contrast, OSRE findings have always been considered for enforcement, although there had been only one OSRE for which an enforcement action was taken and one more for which the findings were considered for enforcement. Under the Reactor Oversight Process, OSRE findings have been assessed through the PPSDP. However, in a Staff Requirements Memorandum dated January 25, 2001, the Commission directed the staff not to proceed with issuance of Notices of Violation and non-cited violations pursuant to 10 CFR 73.55(a) based on force-on-force findings at this time. Although the Commission noted that it expects that deficiencies identified during these force-on-force exercises will be addressed by licensees’ corrective action programs.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>26. The Commission recently decided that no enforcement will be taken against 73.55(a) for OSRE failures. How can you “require” licensees to take corrective actions for “deficiencies” if no violations exist?</p> <p><u>Answer:</u></p> <p>The Commission’s direction in the Staff Requirements Memorandum of January 25, 2001 stated that the staff should not proceed with issuance of notices of violation and/or non-cited violations pursuant to 10 CFR 73.55(a) based on force-on-force findings. However, the findings that result from force-on-force exercises will still be processed through the significance determination process and assigned a color, if appropriate. The corrective actions aspect is addressed through the Reactor Oversight Process action matrix.</p> <p><b>This item is complete.</b></p>
		<p>27. What is industry’s view of “MILES” type gear to help remove the subjectivity of the exercise observation. Could NEI purchase such gear and provide it to sites for use during exercises?</p> <p><u>Answer:</u></p> <p>NRC does not require the use of any specific equipment in training, equipping, or exercising licensees’ response forces. MILES gear or other equipment could be used by licensees to enhance the realism of the security exercise.</p> <p><b>This item is complete.</b></p>
		<p>28. Regarding subjectivity - the defensive “success” is often predicated on timeliness. Yet timeliness (e.g., how long it take to defeat and pass through a barrier) are not standardized. What are the staff’s plans to achieve consistency in this critical area?</p> <p><u>Answer:</u></p> <p>Response timeliness are determined by licensees who test and document the time for responding guards to reach posted positions. The NRC, in preparation for force-on-force exercises, tests and documents timeliness for adversarial pathways, and relies on expert guidance from its contractors to estimate timeliness for penetration of barriers that would otherwise involve destroying the barrier. In addition, fuel cycle facilities that process strategic special nuclear material and are authorized access to classified information are privy to classified barrier penetration time data.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>29. What is the role of the NRC with regards to disputes between operating contractor and security contractors that have collective bargaining agreements?</p> <p><u>Answer:</u></p> <p>The NRC is not responsible for resolving disputes between licensees' various contract organizations. The licensees and their contractors are required to comply with all pertinent regulations.</p> <p><b>This item is complete.</b></p>
		<p>30. Please address the new threat being considered for Part 50 "General License" plants having ISFSIs and the time table to resolve the concern.</p> <p><u>Answer:</u></p> <p>Currently, the design basis threat applies to generally licensed ISFSIs with a Part 50 reactor license. However, the staff has developed a proposed revision to 10 CFR 73.55 that sets forth the physical protection requirements for spent fuel in dry casks by reference to 10 CFR 73.51, which allow the ISFSI to be protected against a loss of control of the facility similar to that of a specifically licensed ISFSI. In related activities, the staff plans to examine 73.51 and review the generic bases for current ISFSI physical security requirements.</p> <p><b>This item is complete.</b></p>
		<p>31. NRC's own study of potential adversaries in NUREG 0459 cautions against "overemphasis on the frontal assault." Haven't we violated this with OSRE?</p> <p><u>Answer:</u></p> <p>The NRC assumes that adversaries will employ whatever factors they believe will maximize their likelihood of success. This is routinely exercised in the OSRE program.</p> <p><b>This item is complete.</b></p>

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W4 cont'd	Safeguards Rulemaking F Gillespie - cont'd	<p>32. While the recent Commission decision regarding Safeguards is a positive step as is the rulemaking and industry SPA initiative, in the interim, utilities continue to spend million + dollars at each site to prepare - The question is - to what degree is the ... (The person did not complete this question)</p> <p><u>Answer:</u></p> <p>There is not enough information provided in the question to completely respond to it. However, to partially respond, the staff is preparing a proposed rule revising 10 CFR 73.55 to provide risk insights and a performance basis for physical protection at nuclear power reactor facilities. Rulemaking requires extensive review, particularly one of this magnitude and with this level of stakeholder interest, and reaching the final rule is expected to take a few years. This is being done as expeditiously as possible but, in the interim, existing regulations must be followed.</p> <p><b>This item is complete.</b></p>
W5	Allegation Process / Safety Conscious Work Environment E Baker E Raphael  100	No follow-up issues
W6	Industry Initiatives T Marsh/J Tappert C Petrone  50	No follow-up issues

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W7	License Renewal C Grimes M Mayfield S Hoffman  125	No follow-up issues
W8	Significance Determination & Enforcement Issues J Johnson T Reis  110	<p>1.      Need to better define purpose and objective of Regulatory Conferences. Some in industry think some time should be dedicated to causes and corrective actions.</p> <p>          Response:                      The first purpose of a regulatory conference is to exchange information such that the significance of an issue can be ascertained. The second purpose is to discuss the licensee's view of any apparent violations. After completing these discussions, the licensee may provide a presentation on any corrective actions taken or planned. The staff is working to revise Inspection Manual Chapter 0609, "Significance Determination Process," with respect to guidance in the conduct of regulatory conferences.</p> <p><b>This item is complete.</b></p> <hr/> <p>2.      Quality of existing IPEs is an issue and a PRA standard should be considered.</p> <p>          Response:                      The NRC agrees that a PRA standard is an important consideration for future applications of risk-informed regulation. We are actively engaged with ASME and ANS to develop such standards. We are also engaged with the Nuclear Energy Institute to evaluate an industry peer review process that is designed to assess the quality of existing PRAs.</p> <p>          In the meantime, the NRC has taken steps to assure that all risk-informed decisions are backed up with PRA information that is of sufficient detail and quality to justify the decision. This includes use of PRA for license amendments, for judging the significance of inspection findings and for consideration of changes to NRC regulations.</p> <p>          A discussion of the use of risk information in regulatory decisions can be found in SECY-00-162, Attachment 2.</p> <p><b>This item is complete.</b></p>

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W9	Risk Informed Technical Specifications W Beckner N Giles  50	No followup issues
W13	Licensing Issues/Future Applications D Matthews  250	<p>1. The NRC and NEI should plan to meet regarding these key issues in relation to new nuclear power plants:</p> <ul style="list-style-type: none"> <li>a) decommissioning funding assurance</li> <li>b) financial qualifications</li> <li>c) Price-Anderson issues and NRC fees for new modular reactors</li> </ul> <p>Response: The NRC met with NEI on June 26, 2001, to discuss generic activities the industry is undertaking to prepare for licensing of new plants. This meeting included a discussion of decommissioning funding assurance, financial qualifications, and Price-Anderson issues and NRC fees for new modular reactors. The NRC will continue to meet with NEI to discuss options regarding these issues. The NRC is currently addressing these issues for Exelon's proposed pebble bed modular reactor and the staff's position on these issues will be provided to the Commission by the end of 2001.</p> <p><b>This item is complete.</b></p>

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W13 cont'd	Licensing Issues/Future Applications D Matthews - cont'd  250	<p>2. Given the potential for rolling blackouts in CA &amp; NY &amp; New England this summer, shouldn't NRC's PRAs be updated to reflect grid instability prior to RIPPING Part 50?</p> <p>Response: Probabilistic risk assessments (PRAs) have frequently found that accident sequences initiated by loss of offsite power (LOOP) at nuclear power plants (NPPs) are important contributors to risk. This risk is determined in current PRA models as a function of the plant specific "coping capability" and two generic factors which apply to all NPPs: the frequency of occurrence of LOOP events and their recovery times. The values of these two factors, which are used in current PRA calculations, are plant specific and are based on historical experience which has shown that more frequently a LOOP event is due to plant-centered causes rather than to external causes, such as rolling blackouts and grid instability.</p> <p>Postulated rolling blackouts affecting NPPs would cause the frequency of LOOP events assumed in current PRAs, and perhaps the mean time to recover offsite power, to increase. This, in turn, would increase the LOOP-related risk as well as the total risk associated with the affected plant. Such an increase in risk can be assessed by using existing PRA models with appropriately modified values for the two above mentioned factors. However, any such modified values will not be based on historical data, neither are they expected to reflect a likely and permanent plant condition. For this reason, the impact of potential rolling blackouts can be best addressed in the PRA as an uncertainty through sensitivity or parametric studies by varying the values of the two factors. Therefore, there is no need to modify existing PRAs to reflect grid stability.</p> <p>Existing PRA models have the capability to investigate the sensitivity of plant risk to postulated changes in the historical frequency and duration of externally-initiated LOOP events, such as grid instability, and provide useful insights. PRA insights are being used in risk-informed regulation to manage risk, and assure that the licensing basis is maintained, by continuous monitoring, compensatory measures, inspection and oversight.</p> <p><b>This item is complete.</b></p>

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Panel	Session Title/ Chair Name/Session Coordinator and/or Org Responsible for Followup	Followup/IOU/Credits for Existing Plans/Scheduled Meetings
W13 cont'd	Licensing Issues/Future Applications D Matthews - cont'd  250	3. Environmental Credits: How will the nuclear industry receive the appropriate "credit" or recognition of environmental credits?  Response: The Clean Air Act establishes limitations on emissions of nitrogen oxides and sulfur oxides from power plants. Because they do not emit these gases, nuclear power plants do provide their utilities with an advantage in this arena.  Utilities have established the means to trade allowances for emissions. Each utility is responsible for ensuring that its emissions (or credits) are properly allocated. This activity is not within the jurisdiction of the NRC.  <b>This item is complete.</b>
W14	Public Confidence R Zimmerman Juan Peralta  100	1. "Records" are being posted on the new NRC website - which system has the official record copy - the website or ADAMS?  Response: ADAMS is the official record.  <b>This item is complete.</b>
W15	50.59 Implementation & Status /Maintenance Rule C Carpenter E Mckenna  130	1. Temporary alterations - how to handle under (a)(4) - assessment /documentation, e.g., scaffolding- degraded condition for difference in treatment if compensatory measure  Response: Temporary alterations: As discussed in the RGs and during the session, for temporary alterations associated with maintenance (e.g., installation of scaffolding), the alteration is to be considered as part of the risk assessment for the maintenance activity. No 50.59 review is needed for such alterations because the requirements of 50.65(a)(4) meet: "provisions [of 50.59] do not apply when the applicable regulations establish more specific criteria for accomplishing such changes" (as provided in section 50.59(c)(4)). Since 50.65(a)(4) does not specify documentation requirements, there are none for such activities. For other temporary alterations, such as compensatory measures to respond to degraded conditions (when maintenance is not being performed), the guidance in GL 91-18 Rev.1 notes that 50.59 review of the temporary alteration itself (but not of the degraded condition) is needed. Here there is no other "applicable regulation" to be used in lieu of 50.59.  <b>This item is complete.</b>

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W15 cont'd	50.59 Implementation & Status /Maintenance Rule C Carpenter E Mckenna - cont'd  130	2.      90 days at power - how to determine whether 50.59 is required (e.g., when 50.59 required as well as (a)(4))  Response: The guidance endorsed by RG 1.182 and RG 1.187 refer to the need for both a 50.64(a)(4) assessment and 50.59 review for temporary alterations associated with maintenance that are planned to be in effect for more than 90 days at power. The term "at power" is not specifically defined, but a reasonable interpretation is that it refers to modes 1 and 2. As further discussed during the session, the guidance also pertains to planning - once it is recognized that the period of maintenance will go beyond the 90 days, the 50.59 review should be conducted. For maintenance activities with the reactor shutdown, there is no time limit. The intent of the guidance is to draw a distinction between temporary alterations to support maintenance, where a risk assessment is the preferred tool, from longer-term changes to the facility that should be examined in light of the established licensing basis of the plant. The idea in selecting 90 days was to provide a time frame that was reasonable for conduct of maintenance, but not so long as to defeat effectiveness of 50.59. The focus on "at power" acknowledges the need to perform maintenance, and also the expectation that longer-term maintenance activities will be conducted while the reactor is not at power, so that plant equipment will be kept available to respond if needed. In discussion, there was a question as to whether the clock would "reset" if the plant is shutdown (that is, a maintenance activity is begun with a less than 90 day duration, then there is a shutdown, and plant resumes operation with maintenance activity still underway). Such scenarios were not specifically envisioned when the guidance was prepared. In these instances, what the staff would likely focus upon would be the overall licensee actions - was the risk assessment updated as needed to reflect changing plant conditions, was the timing and extent of maintenance appropriate given the significance of the equipment, were licensee activities planned and controlled-- not so much watching the clock on the 90 days.  <b>This item is complete.</b>
W17	Decommissioning S Richards J Donoghue  65	No follow-up issues

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W18	Fire Protection E Weiss D Oudionot	<p>1. NEI/NRC meeting 3/15 at 1:00 pm on NFPA-805</p> <p>Response: During the March 13, 2001 meeting, the staff and NEI further discussed industry concerns regarding NFPA 805. The staff believes the concerns can be resolved and is planning to hold follow-up meetings to resolve outstanding issues.</p> <p><b>This item is complete.</b></p>
TH1	Licensing Issues S Black L Burkhart  150	No follow-up items
TH2	Steam Generator Issues W Bateman L Lund  45	<p>1. NRC future inspection plan; changes with the new framework</p> <p>Response: Changes to inspection plan captured in Steam Generator Action Plan Item 1.11A. Changes discussed in cover letter (ADAMS Accession Number ML011210293) transmitting draft inspection procedure 71111.08 (ADAMS Accession Number ML011210308) to regions for comment. After the steam generator regulatory framework is revised per NEI 97-06, the inspection plan will be updated, as appropriate.</p> <p><b>This item is complete.</b></p> <p>2. Do licensees have a choice as to adopting NEI 97-06?</p> <p>Response: NEI's Nuclear Strategic Issues Advisory Committee voted to adopt NEI 97-06 as a formal industry position, committing each licensee to revising their SG programs to meet the intent of the guidance provided in NEI 97-06 no later than the first refueling outage starting after January 1, 1999.</p> <p><b>This item is complete.</b></p> <p>3. Industry organization for responding to steam generator issues</p> <p>Response: This information was presented as part of the session. There are no follow-on items associated with this issue.</p> <p><b>This item is complete.</b></p>

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		<p>4. Steam Generator Action Plan Response: The Steam Generator Action Plan was established as described in a 11/16/00 memorandum from Brian Sheron and Jon Johnson to Samuel Collins. <b>This item is complete.</b></p>
		<p>5. Differing Professional Opinion (DPO) Response Plan Response: An action plan is being developed to address the issues raised in the DPO. The plan is described in a 5/11/01 memorandum from S. Collins and A. Thadani to W. Travers. <b>This item is complete.</b></p>
		<p>6. NEI SG Change Package Implementation Workshop Response: NEI sponsored a June 5-6, 2001 workshop in Portland, Maine. The purpose of the workshop was to educate the industry on the change package. NRC technical staff attended and made a presentation of issues that still remain on the staff review of the package. <b>This item is complete.</b></p>
		<p>7. Future NRC-NEI working meeting on NEI 97-06 Response: A working level meeting was held on 4/26/01 at NRC headquarters, discussing issues related to NEI 97-06. <b>This item is complete.</b></p>
TH3	International Issues & Perspectives S Collins J Dunn-Lee T Reis  75	No follow-up issues

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TH4	W Dam	<p>1. At the decommissioning session and here, the question of whether the NRC is reevaluating security requirements at Spent Fuel Storage Sites needs to be addressed.</p> <p>Response: The NRC staff has developed a policy options paper to support integrated rulemaking for decommissioning power reactors. As part of that effort, the staff is evaluating security requirements associated with spent fuel pools at decommissioning power reactor sites. The policy options paper is SECY-01-100, Policy Issues Related to Safeguards, Insurance, and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools", dated 06/04/2001 (ADAMS reference ML011450420). Following review, the Commission will then provide its guidance to the staff for further action.</p> <p><b>This item is complete.</b></p>

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TH4 cont'd	W Dam - cont'd	<p>2. Please explain the NRC's regulatory authority over the Office of Quality Assurance activities, and what is being done about the problems being raised in that department?</p> <p>Response: If and when DOE applies for a license, NRC will have regulatory authority over DOE activities, including the Office of Quality Assurance, and will confirm that DOE is satisfactorily implementing its QA program through the formal NRC inspection program.</p> <p>In January 1988, DOE published the Consultation Draft Characterization Plan (CDSCP), a draft of the Site Characterization Plan mandated by the Nuclear Waste Policy Act. Based on audits and other information, the NRC identified an objection to the CDSCP based on QA, which stated that we had an insufficient basis to have confidence in the DOE QA program. NRC had numerous meetings with DOE to discuss the improvement in the DOE QA program and NRC staff observations of DOE QA audits of various participants in the HLW program. NRC lifted the objection on March 2, 1992, by letter from Robert Bernero (NRC) to John Bartlett (DOE) based on improvements in the DOE QA program.</p> <p>In late 1998 and early 1999, DOE identified significant deficiencies in the implementation of its QA program in the following areas: 1) procurement (qualification of suppliers and the use of unqualified sources); 2) model development (inadequate technical review and collection of data); and 3) software development (inadequate identification and implementation of software controls). As a result of these deficiencies, DOE implemented a corrective action plan. The two major elements of this action plan required that all data and software developed before June 1999 be re-verified, and that procedures controlling the areas where deficiencies were identified be revised to provide adequate controls to ensure the QA program would be effectively implemented.</p>

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TH4 cont'd	W Dam - cont'd	<p>During fiscal years (FYs) 2000 and 2001, the staff reviewed the implementation of DOE's corrective action plan, including data and software qualification, by observing several DOE performance-based audits; by the daily overviews performed by the U.S. Nuclear Regulatory Commission (NRC) Onsite Representatives assigned to the Yucca Mountain Project office in Las Vegas, Nevada; and by interfacing with the DOE during technical exchanges and management meetings and provides reports to the Commission. Based on the NRC overview activities performed, it appears that DOE has made significant progress in implementing its corrective actions. The staff will continue to observe DOE audits and to discuss QA problems and corrective actions with DOE. Also, the NRC Onsite Representatives will continue conduct routine interactions with DOE and its Maintenance and Operating contractor to further establish confidence that DOE is satisfactorily implementing the required corrective actions to address past and present QA problems.</p> <p><b>This item is complete.</b></p>
TH5	Process Improvement Activities J Silber (L Barnett) M Boyle  35	<p>1. An attendee asked what the status of rulemaking to allow most documents to be submitted electronically.</p> <p>Response:                      A draft of the E-Rule that <u>permits</u> most communications to be submitted electronically <b>is to be concurred in by Sam Collins by August 3, 2001. Then on to the Commission.</b></p> <p>2. Better identify location of results NUREG on website.</p> <p>Response:                      An electronic reading room will be included as part of the NRC web site redesign with an index of our documents by type through which the viewer may access the formal NRC NUREG publications.</p> <p><b>This item is complete.</b></p> <p>3. When will decision on ADAMS be made?</p> <p>Response:                      ADAMS in its current configuration is here. It is necessary for EIE, for telecommuting, etc. It will be refined to meet future needs.</p> <p><b>This item is complete.</b></p>